

Appl. No. : 10/628,847
Filed : July 28, 2003

COMMENTS

Claims 14-29 remain pending in the present application, no changes having been made to the claims by way of the present Request for Reconsideration.

In response to the Office Action mailed December 30, 2004, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the following comments.

All Pending Claims Now Fully Comply With 35 U.S.C. § 112

Claims 22-29 stand rejected under 35 U.S.C. § 112, first paragraph, the Examiner maintaining that the language therein is not enabled by the present specification. Applicants respectfully traverse the present rejection and submit that Claims 22-29 are fully supported by the specification as originally filed.

In particular, in response to the Examiner's position that the present specification does not support the recited feature of a lens that can be pivoted to provide different degrees of light attenuation, Applicants respectfully direct the Examiner to paragraph no. [0055], where Applicants disclose:

[0055] Preferably, the lenses 44, 46 are configured to provide variable light attenuation. For example, each of the lenses 44, 46 can comprise a pair of stacked polarized lenses, with **one of the pair being rotatable relative to the other**. For example, each lens of the stacked pairs can comprise an iodine stained polarizing element. By **rotating one lens relative to the other, the alignment of the polar directions of the lenses changes, thereby changing the amount of light that can pass through the pair**. U.S. Patent No. 2,237,567 discloses iodine stained polarizers and is hereby expressly incorporated herein by reference. Additionally, rotatable lens designs are disclosed in U.S. Patent No. 4,149,780, which is hereby expressly incorporated herein by reference.

Applicants submit that this paragraph fully supports the language recited in Claim 22. However, if the Examiner maintains the position that this disclosure is not sufficient, Applicants respectfully request the Examiner to contact Applicants attorney, Michael A Guiliana (direct line (949) 721-6384 for a telephone interview. If necessary, Applicants will amend the specification to include the relevant disclosure from U.S. Patent No. 4,149,780 which was properly incorporated by reference, as shown above in the cited portion of the present specification.

Appl. No. : 10/628,847
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Applicants thus submit that Claims 22-29 fully comply with the requirements of 35 U.S.C. § 112.

The Applied Combination of Swab et al./Bylander Does Not Make Obvious Claims 14-21

Claims 14-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Swab et al. in view of Bylander. Applicants respectfully traverse the present rejection.

Swab et al. teaches eyewear with a transceiver for forming ad hoc networks. However, as admitted by the Examiner, nothing in Swab et al. teaches or suggests any devices for changing the light attenuation provided by the lenses thereof.

Bylander teaches a variable light attenuation system for eyewear that uses electronically controllable dyes to change the magnitude of the light attenuation. For example as set forth in the Abstract of the Bylander reference:

A lens structure and electronic control system is provided for use in eyeglasses. The lens structure is formed by a pair of lenses with a transmission layer formed by an electro-optic material is disposed therebetween. The transmission layer is used to control the amount of light that is transmitted through the lens structure by placement of a variable voltage placed across it. The transmission layer can be formed by either a dichroic dye or by a ferro-electric material such as PLZT. The electronic control system uses a photoamperic sensor placed behind the lens structure to develop a current proportional to the transmitted light. The current is converted into a voltage which is compared to a desired transmission range. If the sensed transmission level is outside the desired range the control circuit causes a power supply to add or decrease the charge across the lens as necessary to bring the transmitted light level back into the desired range. The use of a ferro-electric material also requires the use of a high voltage power supply to provide the necessary voltages to operate the lens structure.

Abstract, Bylander

Nothing in Bylander teaches or suggests that such a system should be combined with eyewear that has other electronic systems. Rather, Applicants submit that the Examiner is relying on improper hindsight reasoning to provide the motivation for combining the references.

In contrast, Claim 14 recites "An eyeglass includes a frame, at least one interactive electronic device supported by the frame, and at least one lens configured to have variable light attenuation."

This distinction is important because by including an interactive electronic device in eyewear, which in some embodiments can also include a power source, the eyewear is

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already burdened with additional mass than can result in eyewear that is heavier than normal. Thus, while adding a variable light attenuation system might add additional weight, another advantage is achieved.

For example, when a user is operating an interactive electronic device while the user is walking, the user may move from an area of bright sunlight to an area with much less light. However, the user might want to continue to use the interactive electronic device, which would require that the user continue to wear the eyewear. If the eyewear has strong attenuation lenses (e.g. "sunglass lenses"), then it can be difficult for such a user to continue to use wear the eyewear when moving from sunlight in indoor lighting.

Thus, by including at least one lens configured to have variable light attenuation along with at least one interactive electronic device supported by the frame of an eyeglass, the present eyeglass allows a user to continuously use the interactive electronic device when moving between areas of different lighting, by changing the attenuation of the lens.

In other embodiment, for example, that recited in Claim 22, the attenuation is changed by pivoting or rotating a lens. This type of system can be constructed in a way tat does not require a power source or other electronics. Thus, in an eyewear system that is already burdened by the weight of an interactive electronic device, the use of a light attenuation system that is controlled by the rotation or pivoting of the lenses can avoid the addition of devices that might result in eyewear that is unacceptably heavy.

Applicants thus submit that Claim 14 clearly and non-obviously defines over the prior art. Additionally, Applicants submit that Claims 15-21 are also allowable, not only because they depend from Claim 14, but also on their own merit.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the outstanding issues.

Appl. No. : 10/628,847
Filed : July 28, 2003

Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

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